

REMARKS

Initially, Applicants would like to thank the Examiner for the detailed Office Action of November 2, 2007. Applicants would also like to thank the Examiner for withdrawing the previous Restriction Requirement.

In the outstanding Office Action, claims 2-12 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 2-22 were rejected under 35 U.S.C. §102(e) as being anticipated by ALLEN et al. (U.S. Patent No. 5,704,041).

Upon entry of the present amendment, claims 2-22 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. The cancellation of claims 2-22 should not be considered an indication of Applicants' acquiescence as to the propriety of any of the outstanding rejections. Rather, Applicants have cancelled claims 2-22 and added new claims 23-43 in order to advance prosecution and obtain early allowance of claims in the present application.

Each of the outstanding rejections is moot in view of the cancellation of claims 2-22. However, Applicants traverse each of the outstanding rejections insofar as claims 23-43 recite combinations of features similar to the combinations of features previously recited in claims 2-22.

Applicants traverse the rejection under 35 U.S.C. §101. Each of claims 23-33 is directed to statutory subject matter under 35 U.S.C. §101. That is, under 35 U.S.C. §101, claimed subject matter must fall within an enumerated statutory category, *i.e.*, machine, manufacture, composition of matter, or process. So long as claimed subject matter falls within an enumerated statutory category, claimed subject matter may only be non-statutory if the claimed subject matter falls within a Section 101 Judicial Exception – Laws of Nature, Natural Phenomena and

Abstract Ideas. Yet, even when claimed subject matter falls within a Section 101 Judicial Exception, the claimed subject matter may yet be statutory if directed to a practical application of the Section 101 Judicial Exception, such as when the claimed invention “transforms” an article or physical object to a different state or thing, or when the claimed invention otherwise produces a useful, concrete and tangible result.

The Office Action dated November 2, 2007 asserted, at page 2, that claims 2-12 appear to define the metes and bounds of an invention comprised of software alone without claiming associated computer hardware required for execution. None of claims 23-33 are directed to a “computer program”. Rather, independent claims 23, 29 and 31 are directed to a “communications services network platform” and, as such, each of claims 23-33 is directed to subject matter falling within an enumerated statutory category. In this regard, the communications services network platform recited in independent claims 23, 29 and 31 includes both software and hardware. Figure 5 of the drawings and the accompanying discussion at page 24, lines 20-28 of the application specification indicate a particular example of the hardware architecture which may be utilized to form a flexible network platform. In particular, the flexible network platform 10 shown in Figure 5 includes at least a host computer complex 22 and a platform switch 24. Nevertheless, new independent new claims 23, 29 and 31 recite, *inter alia*, a communications network platform implemented on a processor. At least in view of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. §101 is respectfully requested.

Applicants traverse the rejection under 35 U.S.C. §102(e). ALLEN is directed to a common management information protocol (CMIP) platform that determines which managed object instances (MOI) should receive messages from a manager. Managed object instances are

objects representing physical resources on an agent platform. Particular managed object instances that are to receive a message from the manager are determined by recursing through a data tree representation of managed object instances. Messages received by a base managed object instance are also provided to managed object instances represented in the data tree as children of the base managed object instance.

The Office Action cited Figures 1A are 5 and accompanying discussion of ALLEN as teaching numerous features of claim 23 including a hierarchy of managed objects, a state distributor system, a registry and a response system. The cited portions of ALLEN are directed to an overview of the common management information protocol (CMIP) platform and an example of a data tree representation of managed object instances, respectively. In this regard, the managed object instances shown in Figure 5 represent interrelated physical resources.

However, ALLEN does not teach or suggest that entities within a platform comprise at least one communications processing resource and at least one object representing communications processing operations and resource usage within a communications processing system, as recited in claim 23. Furthermore, ALLEN does not teach or suggest a hierarchy of managed objects, each of the managed objects receiving input state information and defining a logical relation among the input state information and output state information. Additionally, ALLEN does not teach or suggest that at least one of the managed objects comprises a state information server. Moreover, ALLEN does not teach or suggest that a state information server outputs output state information that is received as input state information by at least one of the managed objects comprising a state information client. The cited portions of ALLEN also do not teach or suggest at least a state distributor system, a registry and a response system, to which claim 23 is directed. Moreover, as evidenced by a keyword search of ALLEN on the U.S. Patent

and Trademark Office website, ALLEN does not use any of the terms “communications processing”, “input state”, “output state”, “state information”, “client”, “server”, “distributor” or any derivative terms anywhere therein. Accordingly, claim 23 is allowable, at least for each of the reasons set forth above.

Independent claim 29 is allowable for reasons similar to the above-noted reasons for the allowability of claim 23 in addition to reasons related to its own recitations. For example, ALLEN does not teach or suggest at least a development system, a first compiler, a second compiler, a first high level programming language and a second level high level programming language to which claim 29 is directed. Moreover, as evidenced by a keyword search of ALLEN on the U.S. Patent and Trademark Office website, ALLEN does not use any of the terms “development”, “compiler”, “programming language” or any derivative terms anywhere therein.

Independent claim 31 is allowable for reasons similar to the above-noted reasons for the allowability of claim 23 in addition to reasons related to its own recitations. For example, ALLEN does not teach or suggest a template defining system or a parent managed object, as recited in claim 31. Moreover, a keyword search of the ALLEN publication reveals that ALLEN does not use the term “template” or any derivative terms anywhere within the detailed description of the specification.

The method of independent claim 34 is allowable for reasons similar to the above-noted reasons for the allowability of independent claim 23 in addition to reasons related to its own recitations.

The method of independent claim 39 is allowable for reasons similar to the above-noted reasons for the allowability of independent claims 23 and 29 in addition to reasons related to its own recitations.

The method of independent claim 41 is allowable for reasons similar to the above-noted reasons for the allowability of claims 23 and 31 in addition to reasons related to its own recitations.

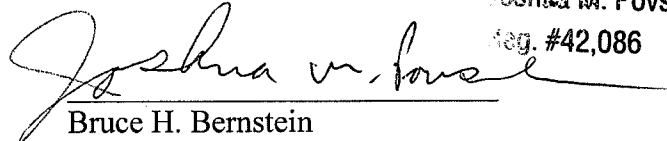
Further, each of dependent claims 24-28, 30, 32, 33, 35-38, 40, 42 and 43 are allowable at least for depending, directly or indirectly, from allowable independent claims 23, 29, 31, 34, 39 and 41 as well as for additional reasons related to their own recitations. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims upon which they depend, in addition to reasons related to their own recitations.

In view of the herein-contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections set forth in the Official Action of November 2, 2007 together with an indication of the allowability of claims 23-43. Such action is respectfully requested and is believed to be appropriate and proper.

If any extension of time is deemed to be necessary to maintain the pendency of the application, including any extension of time fees for entry of an Examiner's Amendment, the Patent and Trademark Office is hereby requested and authorization is hereby provided to charge any necessary fees to maintain the pendency of this application to Deposit Account No. 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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